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Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street SW
Washington, DC 20590-0001

Ref.: Docket No. **FAA-2002-14081**; NPRM 03-02 - Transponder Continuous Operation

To Whom It May Concern;

Capital Cargo International Airlines Inc. (CCIA), certificate number C8GA881Y, is a Part 121 all cargo supplemental carrier operating Boeing B727-200 series aircraft.

Reference the above NPRM concerning a revision to FAR 121.346 requiring aircraft modification to provide continuous operation capability of the ATC transponder. The revision is required to address immediate activation of ATC hijack alert code 7500.

As an all cargo operator, CCIA does not have the capability of carrying passengers onboard its aircraft. In the wake of September 11th, CCIA revised its policies and procedures concerning the carriage of personnel that restricts access to crewmembers only. For this reason, the requirements of SFAR 92-4, paragraph 6, and FAR 121.313(f), and (j) do not apply to CCIA.

Further, the recent issuance of FAA Notice N8400.42, dated 2/28/03, states that "No funds appropriated in this Act may be used to apply or enforce a regulatory requirement for strengthening of flight deck doors on classes of aircraft not specifically required to take such action under Public Law 107-71, section 104(a)(1), unless and until the Under Secretary of Transportation for Security, after opportunity for notice and comment, determines that such strengthening is necessary for aviation security purposes." CCIA believes that if strengthening of the cockpit door is not necessary for all cargo operators, then the requirements of this NPRM should not apply.

As CCIA does not carry passengers or non-company personnel and complies with applicable security precautions for access to its aircraft, CCIA believes the threat of hijacking is extremely remote. Therefore, CCIA believes the proposed deterrent to hijacking is ineffective in our operation, the modification of its aircraft to comply with this change does not appreciably benefit overall safety or security, and it is an unnecessary cost burden on the airline.

CCIA believes the requirements discussed in this NPRM should be revised to include verbiage similar to SFAR 92-4 and 121.313 in that it should only apply to passenger operations and all cargo operators that utilize other occupied compartments.

If you have any questions concerning this matter, please contact me at 407-812-1691.

Sincerely,

Thomas J. Woolford
Director Quality Control / Chief Inspector